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CRETAN *lós*

BY CARL DARLING BUCK

Cretan *lós*, forms of which occur twice and probably three times in the Gortynian Law-Code, has always been identified with Homeric *lós* (*lō̄s*, Z 422), which belongs with *la* = *μῆλα*. And rightly, as regards form. But when it comes to the question of its actual use, we should do well to give up trying to force upon it any numerical value, and recognize that it has simply pronominal force, "that one." This is not a new idea. Comparetti (*Monumenti Antichi* III, p. 206) considered taking *lós* = *ἐκεῖνος*, though only to reject it (see below), and Dareste and Haussoulrier (*Inscriptions juridiques* I, p. 471) say plainly "'*lō̄s* (vii. 22) équivaut ici, comme partout, simplement à *ἐκεῖνος*.'" But most scholars seem to have either overlooked this view or failed to give it due consideration, and it will be well to review the evidence.

In vii. 52 ff. it is stated that the heiress, if she does not wish to marry the groom-elect (the one whom the law provides as her husband), she may, taking possession of the house and half the other property as her share, be free to marry some one else. Then follows (viii. 6, 7) ἀποδῆθαι δὲ τὸν κρεμμάτων *lōi* "but she shall give a share of the property to that one," i. e., to the aforesaid discarded groom-elect, who is entitled to the other half of the property. That the person referred to by *lōi* is the groom-elect is obvious, and all commentators are agreed upon it. Yet Bücheler and Zitelmann translate it by "Einem," Baunack by "Erstberechtigten," Merriam by "the first," Comparetti by "al primo (da lei rifiutato)." That is, the last three scholars take *lós* = *πρῶτος*. But there is no more question of "the first" of several than there is of "one" of several, and Merriam and Comparetti evidently mean "first" in the sense of "the former," "the aforesaid." Even if the use of *lós* as *πρῶτος* (see Baunack *Inscript von Gortyn*, p. 132), and further the use of *πρῶτος* as "former," can be justified, the absence of the article still remains as a difficulty. This

is felt by Comparetti, who admits (*Monumenti Antichi* III, p. 206) that the meaning *ἐκείνος* would suit better in this passage, but is deterred from accepting it by its use in vii. 23, to which we turn.

In vii. 15 ff., the beginning of the regulations regarding the heiress, provision is made for four different conditions, as follows:

1. One heiress, several brothers of the father. *τὰμ πατρῷδον ὀπνιέθαι ἀδελπιῷ τῷ πατρὸς τὸν ἰόντῳ τῷ πρειγίστῳ*. "The heiress shall marry the father's brother who is the oldest of those living."

2. Several heiresses, several brothers of the father, *αἱ δέ κα πλῆς πατρῷδου ἴοντι καδελπιοὶ τῷ πατρός, τῷ ἐπιπρειγίστῳ ὀπνιέθαι*. "If there are several heiresses and brothers of the father, they shall marry (each) the next oldest (in succession)." The form of expression is condensed, but the meaning clear.

3. One heiress, no brothers of the father living, but sons of these brothers. *αἱ δέ κα μὲ ἴοντι ἀδελπιοὶ τῷ πατρός, ὑέεδ δὲ ἐκς ἀδελπιῶν, ὀπνιέθαι ἰδί τῷ ἐς τῷ πρειγίστῳ*. "If there are no brothers of the father, but sons of the brothers, she shall marry that one who is the son of the eldest."

4. Several heiresses, several sons of the father's brothers. *αἱ δέ κα πλῆς ἴοντι πατρῷδου κυίες ἐκς ἀδελπιῶν, ἄλλῳ ὀπνιέθαι τῷ ἐπὶ τῷ ἐς τῷ πρειγίστῳ*. "If there are several heiresses and sons of the brothers, they shall marry the next after the son of the eldest (and so on)." The expression is condensed as in 2, but the meaning equally clear.

It is in the third provision, as quoted, that the *ἰδί* in question occurs. Most commentators take it as = *πρώτῳ* "the first" i. e., the eldest son of the eldest. But neither here nor in 4 is any account taken of more than one son of each brother. That in case of several sons it would be the oldest is taken for granted. Had it been expressed, we should expect *τῷ πρειγίστῳ τὸν ἐς τῷ πρειγίστῳ*. Or, admitting the use of *ἰδί* = *πρώτῳ* as a variant expression, we should at least expect *τῷ ἰδί τὸν κτλ*. Thus, even in this matter of word arrangement, the objection to the usual view seems to me far more serious than that which dissuaded Comparetti from adopting the pronominal interpretation, namely, the following *τῷ*, which he says makes such a pronoun superfluous. But an exact parallel to the phrase cited above under 1, namely, *ὀπνιέθαι*

ἀδελπιῶι -- τοῖ πρειγίστοῖ, would be ὀπυιέθαι νύῳ τοῖ ἐς τὸ πρειγίστο, which is what we have, except that since in this case *νιέες* occurs in the preceding clause, the pronoun is substituted for *νύῳ*.

The third probable occurrence of a form of *ἰός*, the one not universally recognized, is at ix. 28, 29, where Comparetti reads ἐπιμῶλέν(ν) ἰὸ πρὸ τὸ ἐνιαυτῷ. According to Hallberr's second reading -εν and *ω* are certain, the character between being L, perhaps an incomplete N. Blass, indeed, in the latest publication of the text (*SGDI*. 4991), reads ἐπιμῶλέν, αἱ δ' κτλ, which requires for its explanation an improbable amount of amplification (see note, *loc. cit.*, ix. 28 f.). When he says regarding Comparetti's reading "Indes *ένός* hat hier keinen Sinn," I quite agree. But if we take it as a pronoun we get just the sense which is wanted: "action shall be brought against that one (the aforesaid deceased, in reality, of course, against the heirs who represent him) before the end of a year."

If now, as we think is beyond any reasonable doubt, Cretan *ἰός* is used as a pronoun, while *ἰα* is a numeral in Aeolic (Homer, Lesbian, Thessalian), the difference in use is one that can be paralleled among other related forms, e. g., Skt., *ena* = a weak demonstrative, cognate with Lat. *ūnus* (*oinos*), Goth. *ains*, etc. A shift of meaning in either direction is easily understood, and the question which is the earlier use (cf. Brugmann *Kurze vergl. Gram.*, p. 363, but Solmsen *Berl. phil. Woch.*, 1906, p. 182), need not concern us here.